

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

TERRENCE SHEPHERD,

Plaintiff,

v.

Civil Action No: 1:13-13757

REX BLOCKER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this matter was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on February 25, 2014, in which he recommended that the district court dismiss plaintiff's claims against defendants Blocker and Ryan and refer this matter back to him for further proceedings upon plaintiff's Federal Tort Claims Act and Bivens claims against the remaining defendants.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure to file such objections constitutes a waiver of the right to a de novo

review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

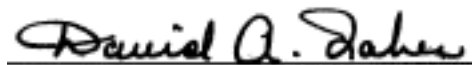
The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendation contained therein.

The court hereby DISMISSES plaintiff's claims against defendants Blocker and Ryan, and REFERS this matter back to Judge VanDervort for further proceedings.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and all counsel of record.

It is SO ORDERED this 20th day of March, 2014.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge